

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,261	ITO, WATARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID P. RASHID	2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the claim amendments received 5/21/2009 and telephone interview dated 5/28/2009.
2. ☐ The allowed claim(s) is/are 2-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20090528</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

**EXAMINER'S AMENDMENT & STATEMENT OF REASONS FOR ALLOWANCE***Table of Contents*

<i>Amendments &amp; Claim Status</i>	2
<i>Amendment to the Claims</i>	2
<i>Allowable Subject Matter</i>	3
<i>Conclusion</i>	3

*Amendments & Claim Status*

[1] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

[2] Authorization for this examiner's amendment was given in a telephone interview with Catherine Voisinnet (Reg. No. 52,327) on May 28, 2009.

*Amendment to the Claims*

2. (Currently Amended) A personal authentication apparatus for certifying a user, comprising:

a memory storing a template face-picture of the user therein, and a face-picture of a particular person who is categorized as of a special concern;

an image pickup unit taking a face-picture of said user;

a particular person comparing unit comparing said user's face-picture taken by said image pickup unit with the face-picture of the particular person, who is categorized as of the special concern, outputting as comparison result a degree of similarity therebetween, and deciding whether said degree of similarity is higher than a predetermined value;

a personal picture acquiring unit for acquiring the template face-picture of the user from said memory; and

an authentication unit,

when said degree of similarity is higher than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with

Art Unit: 2624

the template face-picture of the user by a first method, and  
when said degree to similarity is lower than said predetermined value, deciding  
whether or not said user's face-picture taken by the image pick-up unit is identical  
~~identical~~ with the template face picture of the user by a second method, the second  
method being different from the first method.

***Allowable Subject Matter***

[3] **Claims 2-21** allowed.

[4] The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 19, see Office Action at 6, Feb. 26, 2009 (citing reasons for allowance  
of claim 2 by analogy).

***Conclusion***

[5] Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to DAVID P. RASHID whose telephone number is (571)270-1578  
and fax number (571)270-2578. The examiner can normally be reached Monday - Friday 7:30 -  
17:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the  
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent  
Application Information Retrieval (PAIR) system. Status information for published applications  
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
applications is available through Private PAIR only. For more information about the PAIR  
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
like assistance from a USPTO Customer Service Representative or access to the automated  
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/761,261

Page 4

Art Unit: 2624

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